



PATENT
Customer No. 22,852
Attorney Docket No. 06912.0188-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application)
of U.S. Patent No. 6,036,226)
)
Inventors: Steven J. BROWN, et al.)
)
Application No.: 10/086,920) Group Art Unit: 3611
)
Reissue Filing Date: March 1, 2002) Examiner in prior application: A. Ririe
)
For: INFLATOR CAPABLE OF)
MODULATION AIR BAG INFLATION)
RATE IN A VEHICLE OCCUPANT)
RESTRAINT APPARATUS)

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Assistant Commissioner for Patents
Washington, DC 20231

OFFICE OF PETITIONS

DECLARATION IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.47(a)

I, David A. Whitehouse, hereby declare as follows:

1. I am employed by General Dynamics Armament and Technical Products, Inc. ("GDATP") as a Director. GDATP (f/n/a General Dynamics Armament Systems, Inc.) is the assignee of this reissue application.
2. I understand that Dr. Marek Tarczynski is an inventor in the above-referenced reissue patent application.
3. Dr. Tarczynski's last known home address is 68 Wiggins Street, Princeton, New Jersey 08540. The last known work address for Dr. Tarczynski is Island Pyrochemical Industries, 267 East Jericho Turnpike, Mineola, NY 11501. It is my understanding that Dr. Tarczynski has worked for Island Pyrochemical Industries, Inc.

(hereinafter "IPI") at the same address and telephone number throughout the entire time period relevant to this Declaration.

4. I am aware that on March 12, 2002, Roland McAndrews, an attorney representing GDATP, sent a copy of the specification, claims, drawings of the reissue application, along with a copy of a Preliminary Amendment and Reissue Declaration via FedEx to Dr. Tarczynski and to Richard Ross, Esq., legal counsel for IPI. The letter to Dr. Tarczynski requested that he review the specification, claims, drawings, Preliminary Amendment and Reissue Declaration and sign and return the Reissue Declaration to Roland McAndrews. A copy of the cover letter to Dr. Tarczynski and corresponding tracking report from FedEx are attached as Exhibit A. A copy of the cover letter to Richard Ross and corresponding tracking report from FedEx are attached as Exhibit B.

5. In response to the letters, I was informed by IPI that IPI objected to the filing of the reissue application. IPI informed myself and other employees of GDATP of its position by way of a number of letters and phone conversations.

6. On September 6, 2002, I requested that Amnon Parizat, the President of IPI, clarify the objections to the reissue application. A redacted copy of an e-mail message I sent to Mr. Parizat is attached as Exhibit C.

7. On October 8, 2002, I received a communication from Leslie Ferro, an employee of IPI, again stating objections against the reissue application. A redacted copy of an e-mail message I received from Mrs. Ferro is attached as Exhibit D

8. On November 4, 2002, I responded to IPI's objections and requested that Dr. Tarczynski sign the necessary reissue papers. A redacted copy of an e-mail message I sent to Mr. Parizat and Mrs. Ferro is attached as Exhibit E.

9. On November 6, 2002, I received another communication from Leslie Ferro further objecting to the reissue application. A redacted copy of an e-mail message I received from Mrs. Ferro is attached as Exhibit F.

10. On November 11, 2002, I sent a communication to Mr. Parizat asking whether Dr. Tarczynski will be signing the reissue papers. A redacted copy of an e-mail message I sent to Mr. Parizat is attached as Exhibit G.

11. Following up on my November 11, 2002 communication, I initiated a phone call to Mrs. Ferro and was told that IPI continues to object to the reissue application. It was clear to me from this conversation that Dr. Tarczynski would not sign the reissue papers until IPI's objections were resolved to IPI's satisfaction.

12. Dr. Tarczynski has not directly responded to any of the communications from GDATP requesting his signature on the reissue papers.

13. I hereby declare that all statements made herein are of my own knowledge and true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge the willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent that issued thereon.



David A. Whitehouse
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15 NOV 2002

Date